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9 Attorneys for Defendant Maverik, Inc.

10
11 IN THE UNITED STATES DISTRICT COURT
12 EASTERN DISTRICT OF WASHINGTON AT SPOKANE

13 SHIRLEY TUCKER-COLLINS and
14 DAVID COLLINS, individually and the
15 marital community composed thereof,

16 Plaintiffs,

17 vs.

18 MAVERIK, INC., a Utah corporation,

19 Defendant.

20 Civil Case No. 2:22-cv-26

21 **DEFENDANT MAVERIK, INC.'S
22 NOTICE OF REMOVAL OF
23 ACTION**

24 **JURY TRIAL DEMANDED**

25 **TO: THE CLERK OF THE ABOVE-ENTITLED COURT:**

26 PLEASE TAKE NOTICE that pursuant to 28 U.S.C. § 1441, 1446 and 1332(2), Maverik,
27 Inc. a Utah corporation, (“Defendant”) removes this action from the Superior Court of the State of
28 Washington for the County of Spokane to the United States District Court for the Eastern District
of Washington in Spokane, Washington.

29 **RELEVANT FACTS**

30 On January 31, 2022, Plaintiff filed a Complaint in the Superior Court of Spokane County,
31 Washington. Copies of the Summons and Complaint are attached hereto as Exhibits A and B,
32 respectively. *See* Declaration of John Barhoum (hereinafter “Barhoum Dec.”), ¶2. On February
33 7, 2022, Plaintiffs served Maverik, Inc. with a Summons and Complaint captioned *Shirley Tucker-*
34 *Collins and David Collins, individually and the marital community property thereof vs. Maverik,*
35 *Inc., a Utah Corporation*, Case No: 22-2-00323-32, filed in the Superior Court for the State of

1 Washington for the County of Spokane. *See* Barhoum Dec., ¶3, Ex. C. These documents, taken
2 together, constitute all process, pleadings and orders served on Maverik, Inc. in that action up to
3 the present date. Barhoum Dec., ¶5.

4 **GROUND FOR REMOVAL**

5 Pursuant to 28 U.S.C. § 1441(a), a defendant may remove an action filed in the state court
6 to the United States District Court if the district court has diversity jurisdiction under 28 U.S.C. §
7 1332(a)(1). If the case started by the initial pleading is not removable, a notice of removal may be
8 filed within thirty days after receipt by the defendant, through service or otherwise, a copy of an
9 amended pleading, motion, order or other paper from which it may first be ascertained that the
10 case is one which is or has become removable. 28 U.S.C. § 1441(b)(3).

11 The Plaintiffs' claims for relief against Defendant exceed \$75,000. Barhoum Dec., ¶ 4, Ex.
12 D. Additionally, Plaintiffs and Defendant reside in different states. According to the Complaint,
13 Plaintiffs reside in Idaho. Complaint, ¶ 1.1. Defendant is a corporation organized under the laws
14 of Utah with its principal place of business in Salt Lake City, Utah. Barhoum Dec., ¶ 6.

15 This is an action over which the United States District Court has diversity jurisdiction
16 pursuant to 28 U.S.C. § 1332(a)(1).

17 **TIMELINESS AND PROCEDURE**

18 This Notice of Removal is timely pursuant to 28 U.S.C. § 1446(b), as less than 30 days
19 have elapsed since copies of the Summons and Complaint were served on Maverik, Inc. A copy
20 of the Declaration of Service is attached to the Barhoum Dec. as Ex. C.

21 No further proceedings have occurred in the Superior Court of the State of Washington for
22 the County of Spokane as of the date of this removal other than outlined herein.

23 Counsel for Defendant will file a copy of this Notice of Removal with the Clerk of the
24 Superior Court of the State of Washington for the County of Spokane and will give notice of same
25 to Plaintiffs as required by 28 U.S.C. § 1446(d).

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NOTICE OF REMOVAL OF ACTION - JURY TRIAL DEMANDED- 2

1 WHEREFORE, Defendant prays that this action be removed from the Superior Court for
2 the County of Spokane and placed on the docket of the United States District Court for the Western
3 District of Washington in the Spokane Division.

4 Dated this 22nd day of February, 2022.

5 **CHOCK BARHOUM LLP**

6 
7 John R. Barhoum, WSBA No. 42776
8 Email: john.barhoum@chockbarhoum.com
9 Attorney for Defendant Maverik, Inc.

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IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON AT SPOKANE

SHIRLEY TUCKER-COLLINS and
DAVID COLLINS, individually and the
marital community composed thereof,)
Plaintiffs,
vs.
MAVERIK, INC., a Utah corporation,
Defendant.)
)
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Civil Case No. 2:22-cv-26
CERTIFICATE OF SERVICE

I hereby certify that on this 22nd day of February, 2022., I will electronically file the foregoing with the Clerk of the Court using the CM/ECF system, which will then send a notification of such filing to all registered individuals.

Additionally, I hereby certify that a true copy of the foregoing **NOTICE OF REMOVAL OF ACTION** was served as stated below on:

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CERTIFICATE OF SERVICE

1 Lloyd A. Herman
2 Lloyd A. Herman & Associates, P.S.
213 N University Road
2 Spokane Valley, WA 99206
3 *Attorneys for Plaintiff*

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- By hand delivery
- By first-class mail*
- By facsimile transmission
- Fax #: (509) 922-4720
- By e-mail:
lloydherm@aol.com
- By eFiling Application to the extent registered

*With first-class postage prepaid and deposited in Portland, Oregon.

Dated this 22nd day of February, 2022.

CHOCK BARHOUM LLP


John R. Barhoum, WSBA No. 42776
Email: john.barhoum@chockbarhoum.com
Attorney for Defendant Maverik, Inc.

CERTIFICATE OF SERVICE